

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DIANA FRICK and JOSEPH FRICK, her
husband,

CASE NO.: 2:15-cv-00360-DSC

Plaintiffs,

Honorable David Stewart Cercone

vs.

BIG LOTS STORES, INC.,

Defendant,

JURY TRIAL DEMANDED

vs.

BUREAU VERITAS CONSUMER
PRODUCTS SERVICES, INC.; BUREAU
VERITAS CONSUMER PRODUCTS
SERVICES (INDIA) PVT. LTD.;
DESIGNCO OVERSEAS PRIVATE
LIMITED a/k/a DESIGNCO INDIA d/b/a
DESIGNCO; AND HOC INDUSTRIES,
INC. f/k/a THE HOME OIL COMPANY
f/k/a THE HOME OIL COMPANY, INC.
d/b/a HOMESTAR,

Electronically Filed

Third-Party Defendants.

**DEFENDANT HOC INDUSTRIES, INC. f/k/a THE HOME OIL COMPANY
f/k/a THE HOME OIL COMPANY, INC. d/b/a HOMESTAR'S
MOTION TO EXTEND TIME FRAME TO FILE A RESPONSIVE PLEADING**

COMES NOW, the Third-Party Defendant HOC INDUSTRIES, INC. f/k/a THE
HOME OIL COMPANY f/k/a THE HOME OIL COMPANY, INC. d/b/a HOMESTAR
(hereinafter "HOC Industries"), by counsel, Paul A. Custer, Esquire and the Law Office
of Bernard J. Kelly, pursuant to Rule 6 of Federal Rules of Civil Procedure, and for good
cause shown, hereby moves this Court to enter an Order extending the time frame for
Defendant HOC Industries to file a responsive pleading to Big Lots' Third-Party

Complaint to allow the parties to mediate this matter on July 22, 2015, and to allow Defendant HOC Industries sufficient time to investigate the facts giving rise to Big Lots' Third-Party Complaint such that meaningful responses can be made to the allegations contained therein. In support thereof, Defendant HOC Industries has contemporaneously filed a Memorandum of Law in Support.

Big Lots Stores, Inc. has indicated its consent to the motion.

WHEREFORE, based upon the foregoing and the reasons set forth in the Memorandum of Law in Support, Defendant HOC Industries moves this Court to enter an Order granting it an extension until July 29, 2015 to file a responsive pleading in this matter and such further and other relief as the Court deems proper.

LAW OFFICES OF BERNARD J. KELLY

/s/ Paul A. Custer

Paul A. Custer, Esquire

Pa. I.D. 87628

Attorney for Third-Party Defendant

HOC Industries, Inc. f/k/a The Home

Oil Company f/k/a The Home Oil

Company, Inc. d/b/a Homestar

LAW OFFICES OF BERNARD J. KELLY

2925 One Oxford Centre

301 Grant Street

Pittsburgh, PA 15219

Telephone: 412-316-1336

Fax: 412-872-9087

Email: paul.custer@aig.com

CERTIFICATE OF SERVICE

I hereby certify that on the **30th** day of **JUNE, 2015**, a true and correct copy of the foregoing **THIRD-PARTY DEFENDANT HOC INDUSTRIES, INC. f/k/a THE HOME OIL COMPANY f/k/a THE HOME OIL COMPANY, INC. d/b/a HOMESTAR'S MOTION TO EXTEND TIME FRAME TO FILE A RESPONSIVE PLEADING** was filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Michael C. George, Esquire
LAW OFFICE OF MICHAEL C. GEORGE
The Grant Building
330 Grant Street, Suite 712
Pittsburgh, PA 15219
Attorney for Plaintiffs

Jason G. Wehrle, Esquire
Joshua K. Boggs, Esquire
Ryan R. Mick, Esquire
MINTZER, SAROWITZ, ZERIS,
LEDVA & MEYERS, LLP
625 Liberty Avenue, Suite 390
Pittsburgh, PA 15222
*Attorney for Defendant,
Big Lots Stores, Inc.*

LAW OFFICES OF BERNARD J. KELLY

/s/ Paul A. Custer
Paul A. Custer, Esquire
Attorneys for Third-Party Defendant
HOC Industries, Inc. f/k/a The Home Oil
Company f/k/a The Home Oil Company, Inc.
d/b/a Homestar

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DIANA FRICK and JOSEPH FRICK, her
husband,

CASE NO.: 2:15-cv-00360-DSC

Plaintiffs,

Honorable David Stewart Cercone

vs.

BIG LOTS STORES, INC.,

Defendant,

JURY TRIAL DEMANDED

vs.

BUREAU VERITAS CONSUMER
PRODUCTS SERVICES, INC.; BUREAU
VERITAS CONSUMER PRODUCTS
SERVICES (INDIA) PVT. LTD.;
DESIGNCO OVERSEAS PRIVATE
LIMITED a/k/a DESIGNCO INDIA d/b/a
DESIGNCO; AND HOC INDUSTRIES,
INC. f/k/a THE HOME OIL COMPANY
f/k/a THE HOME OIL COMPANY, INC.
d/b/a HOMESTAR,

Electronically Filed

Third-Party Defendants.

ORDER

COMES NOW, this _____ day of _____, 2015, it is hereby

ORDERED, ADJUDGED and **DECREED** that Third-Party Defendant HOC Industries'
Motion to Extend Time Frame to File a Responsive Pleading is **GRANTED** and Third-
Party Defendant has until July 29, 2015 to file a responsive pleading to Big Lots' Third-
Party Complaint.

J.